

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1605**

**House Bill No. 1558\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-15-404, is amended by deleting subdivision (a)(3) and substituting instead the following:

(A) It is an offense for any owner, occupant, or other person having a lawful right to the exclusive use and enjoyment of property to knowingly allow a person to consume alcoholic beverages, wine, or beer on the property if the owner, occupant, or other person knows that the person consuming is a minor;

(B) It is an affirmative defense to prosecution under subdivision (a)(3)(A) that the defendant acted upon a reasonably held belief that the minor was twenty-one (21) years of age or older;

(C) Subdivision (a)(3)(A) does not apply to consumption or possession of a de minimis quantity of alcohol or wine by a minor as permitted by § 1-3-113(b)(2); and

(D) This subdivision (a)(3) does not affect:

(i) Standards for imposing civil liability pursuant to §§ 57-10-101 and 57-10-102;

(ii) Standards, established pursuant to § 37-1-156(a), for imposing criminal liability on adults who contribute or encourage the delinquency or unruly behavior of a child, as defined in § 37-1-102(b); or

(iii) Standards, established pursuant to § 39-11-404, for imposing criminal liability on corporations.



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SECTION 2. Tennessee Code Annotated, Section 40-32-101(g)(1)(B), is amended by deleting subdivision (xix) and substituting instead the following:

(xix) Section 39-15-404 — Allowing a minor to consume alcohol on person's premises;

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 2742**

**House Bill No. 2171\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 24, Chapter 1, Part 2, is amended by adding the following language as a new section:

(a) Except as provided in subsection (d) or unless a report of abuse is otherwise required by law, an advocate shall not be compelled to disclose any of the following in a judicial, legislative, or administrative proceeding:

- (1) A communication, including verbal, written, or otherwise stored information, received by the advocate from a victim;
- (2) Records regarding the victim stored by the advocate in the course of business;
- (3) Counseling the victim received;
- (4) Crisis intervention services the victim received; or
- (5) The location of the shelter that accommodated the victim.

(b) The victim may waive the privilege of the communication in subsection (a) only by express written consent. A victim's consent is not implied when the victim is a party to any judicial, legislative, or administrative proceeding. The privilege terminates upon the death of the victim.

(c) This section does not limit the defendant's right of cross-examination of the advocate in a proceeding when the advocate testifies with the written consent of the victim, or is otherwise compelled to testify by law or the court pursuant to subsection (d).



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(d) An advocate shall not disclose a confidential communication received by the advocate from a victim except:

(1) To other advocates of the victim services provider and third-party providers, with the victim's written consent, when and to the extent necessary to facilitate the delivery of services to the victim;

(2) To a law enforcement agency to the extent necessary to protect the victim or another individual from a substantial risk of imminent and serious physical injury;

(3) To make a report regarding child abuse or neglect as required by § 37-1-403, child sexual abuse as required by § 37-1-605, or elder abuse as required by § 39-15-509;

(4) To disclose any confidential communications relevant to a claim or defense if the victim files a lawsuit against an advocate or a victim services provider; or

(5) Upon an order of the court compelling disclosure if, upon the motion of a party, the court determines that:

(A) The information sought is relevant and material evidence of the facts and circumstances involved in an alleged criminal act which is the subject of a criminal proceeding;

(B) The probative value of the information outweighs the harmful effect of disclosure, if any, on the victim, the advocate relationship, and the treatment services; and

(C) The information cannot be obtained by reasonable means from any other source.

(e) For purposes of this section:

(1) "Advocate" means an employee or volunteer of a domestic violence shelter, crisis line, or victim's services provider that provides services for victims

of domestic violence, sexual assault, stalking, or human trafficking who has completed a minimum of twenty (20) hours of relevant training from a victim services provider; and

(2) "Victim" means a person seeking assistance because the person is a domestic abuse victim as defined by § 36-3-601, a victim of an offense under title 39, chapter 13, part 5, a trafficked person as defined by § 39-13-314, or a victim of stalking as defined by § 39-17-315, regardless of where or how the person seeks or receives services.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

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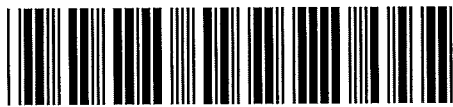
Comm. Amdt. \_\_\_\_\_

**AMEND**

**House Joint Resolution No. 822\***

by deleting the language "(5) The right, upon request, to reasonable notice of any release or escape of an accused;" and substituting instead the following:

(5) The right, upon request, to reasonable notice of any release, transfer, or escape of an accused or convicted person;



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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1818\***

**House Bill No. 2585**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-13-513, is amended by deleting subdivision (d) and substituting instead the following:

(d) Notwithstanding this section to the contrary, if it is determined after a reasonable detention for investigative purposes that a person suspected of or charged with a violation of this section is under eighteen (18) years of age, that person shall be immune from prosecution for prostitution as a juvenile or adult. A law enforcement officer who takes a person under eighteen (18) years of age into custody for a suspected violation of this section shall, if the person is suspected to be a human trafficking victim or has been the victim of commercial sexual exploitation, provide the minor with the telephone number for the Tennessee human trafficking resource center hotline, notify the department of children's services, and release the minor to the custody of a parent or legal guardian or transport the minor to a shelter care facility designated by the juvenile court judge to facilitate the release of the minor to the custody of a parent or legal guardian.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it.



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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1568**

**House Bill No. 1583\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-39-211(c), is amended by deleting the subsection and substituting instead the following:

(c)

(1) While mandated to comply with the requirements of this part, no sexual offender or violent sexual offender, whose victim was a minor, shall knowingly reside or conduct an overnight visit at a residence in which a minor resides or is present. Notwithstanding this subsection (c), the offender may reside, conduct an overnight visit, or be alone with a minor if the offender is the parent of the minor, unless:

(A) The offender's parental rights have been or are in the process of being terminated as provided by law;

(B) Any minor or adult child of the offender was a victim of a sexual offense or violent sexual offense committed by the offender; or

(C) The offender has been convicted of a sexual offense or violent sexual offense and the following conditions have been satisfied:

(i) The victim of the sexual offense or violent sexual offense was a minor twelve (12) years of age or less; and



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(ii) A circuit court, exercising its jurisdiction over civil matters, has found by clear and convincing evidence that the offender presents a danger of substantial harm to the minor.

(2) For purposes of subdivision (c)(1)(C):

(A) The district attorney general for the judicial district in which the minor resides may petition the court to make a finding described in subdivision (c)(1)(C)(ii) at any time the offender is required to register pursuant to this part;

(B) The offender must be provided notice and an opportunity to be heard;

(C) When determining whether the offender poses a danger of substantial harm to a minor, the court may consider the facts and circumstance of the offense, the offender's most recent efforts to rehabilitate, compliance with community supervision as provided in § 39-13-524 if applicable, any violations of this part as specified in § 40-39-208, and other relevant evidence;

(D) All files and records of the court in the proceeding must be treated as confidential and shall not be open to the public or disclosed to the public, but are open to:

(i) The judge, officers, and professional staff of the court;

(ii) The parties to the proceeding and their counsel and representatives;

(iii) Any parent or legal guardian of the minor other than the offender;

(iv) The offender's registering agency; and

(v) With permission of the court, any other person or agency having a legitimate interest in the proceeding;

(E) The court must enter a written order stating its findings. If the court finds that the offender presents a danger of substantial harm to the minor, the district attorney general shall provide the court's finding to the offender's registering agency;

(F) No sooner than two (2) years after the date of entry of the circuit court's order, the offender may petition the court for reconsideration of a finding that the offender presents a danger of substantial harm to the minor. The offender must show, by clear and convincing evidence, that the offender no longer presents a danger of substantial harm to the minor; and

(G) An appeal from a final order or judgment under subdivision (c)(1)(C)(ii) may be made to the court of appeals. A finding that the offender presents a danger of substantial harm to the minor shall remain in effect pending the outcome of the appeal.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.